

EXHIBIT AAG

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 - - -

4 IN RE: TERRORIST ATTACKS : 03-MDL-1570
5 ON SEPTEMBER 11, 2001 : (GBD)(SN)

6 - - -

7 APRIL 27, 2021

8 THIS TRANSCRIPT CONTAINS
9 CONFIDENTIAL MATERIAL

10 - - -

11 Remote Videotaped
12 Deposition, taken via Zoom, of JOHN
13 SIDEL, commencing at 7:02a.m., on the
14 above date, before Amanda
15 Maslynsky-Miller, Certified Realtime
16 Reporter and Notary Public in and for the
17 Commonwealth of Pennsylvania.
18

19 - - -

20 GOLKOW LITIGATION SERVICES
21 877.370.3377 ph | 917.591.5672 fax
22 deps@golkow.com
23
24

1 few of the data points that you discuss
2 in that section of your report.

3 First, in Paragraph 19, you
4 discuss research that you conducted in
5 the late 1980s and early to mid 1990s
6 focused on local politics, corruption,
7 criminality, conflict and violence in the
8 Philippines.

9 Do you see that section?

10 A. Yes.

11 Q. And am I correct that in
12 connection with that research, you spent
13 a good bit of time in the Philippines
14 doing fieldwork?

15 A. Yes.

16 Q. And I believe you estimate
17 that, in total, your fieldwork in the
18 Philippines during this period covered
19 probably a few years; is that correct?

20 A. Yes, correct.

21 Q. During that time period when
22 you were doing fieldwork in the 1980s and
23 early to mid 1990s, did you have occasion
24 to conduct interviews of any members of

1 the Moro Islamic Liberation Front?

2 A. Not at that time, no.

3 Q. And during that time, did
4 you have occasion to interview any
5 members of the Abu Sayyaf Group?

6 A. No, that would have been
7 very dangerous. I did travel to Basilan
8 during that period a few times, perhaps,
9 in retrospect, ill-advisedly. But I
10 never met with someone from the Abu
11 Sayyaf Group, as far as I know.

12 Q. And have you ever
13 interviewed any member or former member
14 of the Abu Sayyaf Group?

15 A. No. Not to my knowledge,
16 no.

17 Q. I've seen accounts in some
18 publications regarding interviews
19 conducted by researchers or journalists
20 of an Abu Sayyaf member named Noor Muog.

21 Are you familiar with that
22 individual?

23 A. No, I am not.

24 Q. And so I gather from that

1 in the Philippines between the completion
2 of your fieldwork for your Ph.D. in the
3 mid '90s and 2001?

4 A. I was there probably a
5 couple times -- I want to say a couple
6 times each year. But probably I was
7 there every year for a matter of weeks.

8 And when I lived in
9 Indonesia in 1997, 1998, the visa
10 restrictions on my stay in Indonesia
11 meant that I regularly exited Indonesia
12 and went back to the Philippines to, you
13 know, to visit. I observed the elections
14 in May of 1998, for example.

15 So there were a couple of
16 visits then as well. But otherwise it
17 was, you know, just brief visits once a
18 year, I believe.

19 Q. And with regard to the
20 visits during that time period, did your
21 work continue to focus on local politics,
22 corruption, criminality, conflict and
23 violence in the Philippines?

24 A. Yeah. I guess I should also

1 Q. In connection with the
2 research you've done in the Philippines
3 and Indonesia, have you come across
4 information pertaining to the work of the
5 Muslim World League in those countries?

6 A. Very minimally. There were
7 references and information and common
8 knowledge of the affiliation of a group
9 known as -- Islamia Indonesia, the Muslim
10 World League and a broader set of kind of
11 linkages that the Muslim World League
12 thus enabled and encouraged in Indonesia.

13 Q. In Paragraph 53 of your
14 report, you make reference to the
15 involvement of the Muslim World League in
16 seeking to unite factions in the
17 Philippines as part of political
18 processes that were ongoing in 1987; is
19 that correct?

20 A. Yes. There's the so-called
21 Jeddah Accord in 1987, obviously signed
22 in Jeddah, between the Philippine
23 government and the Moro National
24 Liberation Front. And I believe that

1 the -- both the Muslim World League and
2 the organization of the Islamic
3 conference were involved in facilitating
4 the negotiations that led to the signing
5 of that agreement.

6 Q. Is it your understanding
7 that the Muslim World League was
8 politically active within the
9 Philippines?

10 MR. NASSAR: Objection.
11 Vague.

12 THE WITNESS: I have no
13 other awareness of the Muslim
14 World League's involvement in the
15 Philippines whatsoever as such, in
16 terms of politics or otherwise in
17 the Philippines.

18 And, in fact, in terms of
19 the Jeddah Accord, what's usually
20 noted and kind of -- what's the
21 word -- prioritized, is the OIC
22 rather than the Muslim World
23 League, in terms of the very
24 general account of Saudi

1 sponsorship of the negotiations.

2 BY MR. CARTER:

3 Q. So your familiarity with the
4 Muslim World League's engagements in the
5 Philippines relating to the Moro National
6 Liberation Front and the MILF is
7 essentially limited to what you describe
8 in Paragraph 3 of your report?

9 A. Yes. And, I mean, I've been
10 shown documents. There's nothing that
11 comes to mind that I recall of any
12 significance, in terms of the Muslim
13 World League's activities and presence in
14 the Philippines.

15 Q. And before taking on a role
16 as an expert in this case, did you come
17 across any information relating to the
18 IIRO's alleged role in supporting Abu
19 Sayyaf Group in the Philippines?

20 A. Well, yes, insofar as the
21 same story that has been recycled and
22 re -- sort of reiterated over the years,
23 many years ago, this idea that the IIRO
24 office, in the early 1990s, under the

1 Q. Returning just for a moment
2 to the qualifications section of your
3 report, I think you mentioned that you
4 spent some time in Indonesia in 1997 and
5 1998?

6 A. Yes.

7 Q. And during that period, did
8 you have an opportunity to interview any
9 members of Jemaah Islamiyah?

10 A. Not to my knowledge, no.

11 Q. And have you ever had an
12 opportunity to interview any members of
13 Jemaah Islamiyah?

14 A. Not to my knowledge, no.

15 Q. In Paragraph 22 of your
16 report, you mention that you've conducted
17 interviews with a wide range of
18 individuals involved in the conflict in
19 the Philippines, including senior members
20 of the Moro Islamic Liberation Front.

21 Do you see that reference?

22 A. Yes.

23 Q. Who were those
24 representatives of the Moro Islamic

1 Liberation Front?

2 A. Well, the one whom I
3 remember best was a senior figure named
4 Hadj Murad, whom I had a lavish buffet
5 breakfast with at a fancy hotel in
6 Manila. So he's the one who I remember.
7 I'm not sure -- I can't remember other
8 figures, although he was not alone at the
9 time.

10 Q. During what period was that?

11 A. That was during the period
12 when the ceasefire was in place and the
13 negotiations were ongoing. But the -- it
14 was between 2013 and 2016, I think.

15 Q. And do you know when he
16 became active in the Moro Islamic
17 Liberation Front?

18 A. No, I don't have his
19 biographical details to hand or in my
20 memory.

21 Q. Did you discuss with him at
22 all the activities of the Moro Islamic
23 Liberation Front in the period before
24 9/11?

1 A. No.

2 Q. Have you interviewed any
3 members of the Moro Islamic Liberation
4 Front concerning the organization's
5 activities in the period before 9/11?

6 A. No.

7 Q. Professor Sidel, we've been
8 talking about several organizations
9 referenced in your report, and I'd like
10 to just provide some context.

11 The first is the Abu Sayyaf
12 Group. In your words, can you tell me
13 what Abu Sayyaf Group is?

14 A. The Abu Sayyaf Group is a
15 term that refers to a small shadowy and
16 seemingly ill-defined set of individuals
17 based in the islands of Basilan and Sulu
18 Provinces in the Sulu archipelago in the
19 southern Philippines, individuals whose
20 numbers, as a group, are said to have
21 never exceeded a few hundred.

22 It's a group whose
23 leadership and organization appears to be
24 highly personalistic and ill-defined.

1 asking, Sean, because should he be
2 reading the entire segment or are
3 you --

4 MR. CARTER: I'm going to
5 turn his attention to a few
6 sections. And if he wants to read
7 on from that point, that's fine.

8 MR. NASSAR: Professor
9 Sidel, if you want to pull up the
10 document in the browser that we --

11 THE WITNESS: I'm happy to
12 read it just page by page. I've
13 read -- you know, I think I've
14 read enough of 58 to get the gist
15 of it.

16 BY MR. CARTER:

17 Q. So, Professor Sidel, this
18 section of the 9/11 Commission Report
19 describes al-Qaeda's development in the
20 early '90s.

21 And in the second full
22 paragraph, the first sentence explains
23 that bin Laden now had a vision of
24 himself as head of an international jihad

1 confederation.

2 Do you see that?

3 A. Yes.

4 Q. And do you have any reason
5 to disagree with the 9/11 Commission's
6 finding on that point?

7 MR. NASSAR: Objection.

8 Scope.

9 THE WITNESS: What sort of
10 vision bin Laden had of himself
11 has been a matter of great
12 interest and debate among
13 scholars. And he may have
14 considered himself in very
15 grandiose terms, and there seems
16 to be evidence of that.

17 But that doesn't necessarily
18 mean that -- the idea that there
19 was an international jihad
20 confederation, if that's what's
21 being suggested here, implicitly
22 or obliquely, that seems quite
23 exaggerated and implausible.

24 In what sense is this an

1 international jihad confederation?
2 And in some of these countries,
3 even my second-hand knowledge of
4 developments and trends during
5 this period, makes you really
6 wonder what's being referred to
7 here.

8 There's very -- there's very
9 little going on in many of these
10 countries, in terms of something
11 that you could call a jihad, and
12 very small, weak groups of people.

13 So I don't know, really,
14 what to say.

15 BY MR. CARTER:

16 Q. The paragraph goes on to say
17 that bin Laden was focused on forging
18 alliances and that through that work, the
19 groundwork for a true global terrorist
20 network was being laid.

21 Do you see that?

22 A. Yes.

23 Q. Do you agree with the 9/11
24 Commission's finding that bin Laden was

1 seeking to establish alliances to lay the
2 groundwork for a true global terrorist
3 network?

4 MR. NASSAR: Objection.

5 Scope.

6 THE WITNESS: I really don't
7 know if, retrospectively, that
8 kind of teleological argument, you
9 know, makes sense, especially if,
10 in retrospect, we know that a wide
11 range of not only Islamist groups,
12 but even armed Islamist insurgent
13 groups, some of whom had been
14 involved in terrorism, disavowed
15 al-Qaeda, bin Laden and the 9/11
16 attacks.

17 So, I mean, I can image that
18 there -- in the early 1990s bin
19 Laden may have had sympathies with
20 a wide range of Muslim struggles,
21 Islamist struggles, may have
22 wanted to spread his largesse in
23 response.

24 But I don't know. I mean,

1 this seems like a kind of
2 teleological retrospective
3 deduction rather than something --
4 I don't know.

5 BY MR. CARTER:

6 Q. Well, I guess, the simple
7 question is whether you agree or disagree
8 that bin Laden, during this period, was
9 seeking to establish alliances with
10 organizations located throughout the
11 world?

12 MR. NASSAR: Objection.
13 Scope. Objection. Asked and
14 answered.

15 THE WITNESS: I can't -- I
16 really am not an expert on
17 al-Qaeda, and in terms of the --
18 what it was doing, what it was
19 planning ahead, the intentionality
20 of Osama bin Laden during this
21 period.

22 I have not delved into that
23 in my own research. And my
24 readings don't give me a good

1 memory or understanding on the
2 basis of which to make any kind of
3 informed answer to that question.

4 BY MR. CARTER:

5 Q. Professor, turning to the
6 next paragraph, the 9/11 Commission
7 indicates that within the context of this
8 alliance building, bin Laden provided
9 equipment and training, assistance to the
10 Moro Islamic Liberation Front in the
11 Philippines and also to a newly forming
12 Philippine group that called itself the
13 Abu Sayyaf brigade, after one of the
14 major jihadist commanders.

15 Do you see that statement?

16 A. Yes, uh-huh.

17 Q. Do you agree with that
18 statement?

19 MR. NASSAR: Objection.

20 Form.

21 THE WITNESS: I don't agree
22 with -- I don't agree or disagree.
23 I have -- would like to see some
24 evidence and support of that,

1 those sorts of claims.

2 And, also, I haven't seen
3 any credible evidence of
4 equipment -- equipment to the
5 MILF. There appears to be a
6 history of MILF training in camps
7 in Afghanistan during the 1980s
8 and the 1990s.

9 And the support for the Abu
10 Sayyaf Group, I mean, I wonder
11 what that refers to in terms of
12 support. So I would like to see
13 the footnote before I could -- you
14 know, these are the kinds of
15 claims that we see recycled in a
16 variety of different publications,
17 including ones by, you know, U.S.
18 government, the United Nations,
19 you know, Time Magazine. These
20 are -- these things are recycled
21 and repeated.

22 But in terms of the
23 evidentiary basis, I always
24 wonder, you know, what it is.

1 BY MR. CARTER:

2 Q. Do you regard the 9/11
3 Commission to have been a serious
4 investigative body?

5 MR. NASSAR: Objection.
6 Foundation. Scope.

7 THE WITNESS: I assume it
8 was very serious in all sorts of
9 ways.

10 BY MR. CARTER:

11 Q. Do you have any reason to
12 believe that the 9/11 Commission would
13 have included unsubstantiated claims
14 about bin Laden providing assistance to
15 MILF and Abu Sayyaf in its final report
16 without evidence?

17 MR. NASSAR: Objection.
18 Form. Scope.

19 THE WITNESS: I think that
20 there are real limits as to the
21 reliability and knowability of a
22 wide range of crucial details and
23 that there are -- there are ways
24 in which information becomes

1 incorporated into what is seen to
2 be a reliable narrative by a range
3 of different organizations and
4 sources of knowledge that we still
5 should question.

6 So I would like to see the
7 footnote before -- and see the
8 footnote of the footnote, as it
9 were.

10 So when I read something
11 like this, you know, I just -- I
12 wonder how much they could have
13 known in terms of what the basis
14 of this is. Because there's a lot
15 of low-grade intelligence and
16 information that is provided about
17 Southeast Asia from a distance.

18 And so I just -- I feel
19 uncomfortable taking at face value
20 a wide range of assertions along
21 these lines, as you've seen in my
22 report.

23 BY MR. CARTER:

24 Q. And the next sentence of

1 this paragraph indicates that al-Qaeda
2 helped Jemaah Islamiyah, a nascent
3 organization headed by Indonesian
4 Islamists with cells scattered across
5 Malaysia, Singapore, Indonesia and
6 Philippines.

7 Do you have the same view of
8 that finding as the 9/11 Commission?

9 MR. NASSAR: Objection.
10 Form.

11 THE WITNESS: I've read
12 claims that it's the other way
13 around, that Jemaah Islamiyah
14 helped al-Qaeda, that there is
15 evidence of contacts and
16 communications.

17 In terms of help, there
18 is -- I don't know what that
19 means, in terms of help.

20 BY MR. CARTER:

21 Q. You just mentioned that you
22 have seen information indicating that it
23 was the other way around and that Jemaah
24 Islamiyah helped al-Qaeda.

This transcript contains confidential material

1 What were you referring to?

2 A. Well, the different accounts
3 that you get in the literature on this
4 about plans for terrorist attacks in
5 Singapore, for example, suggest that
6 it's -- it's Jemaah Islamiyah that -- the
7 members of this network who are providing
8 assistance on the ground, you know, foot
9 soldiers to undertake reconnaissance and
10 plan attacks that are -- enlisted -- that
11 are in line with what al-Qaeda is
12 allegedly asking for.

13 I mean, there's -- it's --
14 in terms of who is helping whom and what
15 is really happening, exchanges of small
16 amounts of money, communications and so
17 forth, it's not a -- it's not very clear
18 how much is going on in terms of who is
19 helping whom and who is leading whom to
20 what, especially with acts that didn't
21 happen.

22 Q. Turning to the next
23 paragraph of this section of the 9/11
24 Commission Report, it refers to

1 al-Qaeda's pattern of expansion through
2 building alliances.

3 Do you see that language?

4 A. Yes.

5 Q. Do you agree that during
6 this period, al-Qaeda was pursuing a
7 pattern of expansion through building
8 alliances?

9 MR. NASSAR: Objection.

10 Scope.

11 THE WITNESS: Yeah, I don't
12 really know. You know, this --
13 I'm not sure about this
14 interpretation. I'm not qualified
15 to really comment on it, I don't
16 think.

17 BY MR. CARTER:

18 Q. I'd like to show you, as the
19 next exhibit, a document that begins at
20 FED-PEC237854.

21 - - -

22 (Whereupon, Exhibit
23 Sidel-601, FED-PEC0237854-7873,
24 RAND Corporation Testimony, was

1 from your report?

2 A. Yes.

3 Q. Who was the founder of Abu
4 Sayyaf?

5 A. Well, reportedly, it was a
6 man by the name of Abdurajak Janjalani.

7 Q. When you say "reportedly,"
8 do you have some doubt that Abdurajak
9 Janjalani played a role in the
10 establishment of the Abu Sayyaf Group?

11 A. I just think that it's been
12 repeated so many times with so little
13 solid evidentiary basis, with so little
14 real nuanced context detail, that I don't
15 want to just be repeating it for the Nth
16 time without acknowledging that I'm doing
17 so on the basis of, you know, information
18 that has limited corroboration. And it's
19 there in so many different sources of
20 different kinds.

21 But, you know, in terms of
22 really understanding who he was locally,
23 what his experience and connections have
24 been beyond Basilan and beyond the

1 Philippines, you know, his religious
2 inclination, his political affiliations,
3 all sorts of things, it's almost a kind
4 of cliché, like, journalistic to be just
5 reiterating it without sort of
6 acknowledging that this is what is said
7 and said again and said again until we
8 all accept it to be the truth.

9 Unlike the context of --
10 take, for example, so-called jihadi
11 activists in France who have been
12 studied. We know a great deal about
13 their -- you know, their childhood, their
14 schooling, we have all sorts of
15 information about these individuals.

16 There's so much that is
17 rather shadowy and suspicious about this
18 Abu Sayyaf Group.

19 Q. Do you happen to know
20 whether any early members of Abu Sayyaf
21 Group have, themselves, confirmed that
22 Janjalani was the founder of the
23 organization?

24 A. This is -- this is all

1 A. I don't know. But he's --
2 it's said that he did. And that -- that
3 doesn't necessarily mean that he did.

4 My understanding, from my
5 readings, is that there are many people
6 whose so-called participation in the
7 Afghan jihad was much more limited than
8 they would subsequently like to let on.

9 Q. Do you know whether
10 Janjalani had studied abroad in the
11 Middle East?

12 A. It's mentioned, as part of
13 his background, that he had spent time
14 studying in the Middle East. But the
15 details are not documented or provided in
16 that -- those standard accounts.

17 Q. Do you know whether
18 Janjalani had exposure to the ideological
19 underpinnings of the global jihad,
20 whether through travel in Afghanistan or
21 studies in the Middle East?

22 A. I don't know. But one would
23 image that if he traveled and studied and
24 spent time in those sorts of contexts,

1 that he would have had, potentially,
2 broad exposure to what you're referring
3 to.

4 Q. And you mentioned that the
5 name Abu Sayyaf was adopted to signify
6 its capacity for violence, correct?

7 A. Yes. But there is what is
8 often also noted, an allusion to the
9 famous Afghan mujahid, later warlord,
10 Abdul Rasul Sayyaf, at least his nom de
11 guerre, who was said to be a sponsor for
12 foreign mujahideen in Afghanistan in the
13 1980s.

14 So that is also often
15 suggested as a possible reason for the
16 naming of the group as a kind of citation
17 to him.

18 Q. And if we can go back to
19 Page 58 of the 9/11 Commission Report
20 that we reviewed earlier, I believe
21 there's a reference to what you just
22 described.

23 There it says, in the third
24 full paragraph, that, The Abu Sayyaf

1 brigade was named after one of the major
2 Afghan jihadist commanders.

3 A. Yes, I see that.

4 Q. And that's Abdul Rasul
5 Sayyaf that you just described?

6 A. Yes.

7 Q. And among other things, do
8 you know whether Abdul Rasul Sayyaf was a
9 mentor of Khalid Sheikh Mohamed?

10 A. That rings a bell.

11 Q. When, in your view, was the
12 Abu Sayyaf founded?

13 A. Why was it founded?

14 Q. When?

15 A. When? In the early 1990s.

16 Q. Are you aware of the names
17 of any individuals, other than Janjalani,
18 who were involved in the establishment of
19 the Abu Sayyaf Group in that time period?

20 A. Well, there is the figure,
21 Edwin Angeles, who I assume was born to a
22 Catholic family and later revealed to be
23 a government informant or agent.

24 There is Janjalani's brother

1 Khadaffy Janjalani, who took over after
2 Janjalani's death in 1998. And then
3 there are figures who are said to have
4 been involved early on, who are
5 then involved in local politics.

6 Q. Do you agree that al-Qaeda
7 provided seed money or other assistance
8 to support the establishment of Abu
9 Sayyaf?

10 A. I don't agree that there is
11 evidence for that. That there is serious
12 evidence for that, no.

13 Q. So the statement in the 9/11
14 Commission Report that bin Laden provided
15 equipment and training assistance to the
16 newly forming Philippine group called Abu
17 Sayyaf is, in your opinion, not supported
18 by evidence that you're aware of?

19 A. Not that I'm aware of. For
20 example, one of the documents that was
21 shown to me in connection with this case,
22 it claimed that Mohamed Jamal Khalifa had
23 given sums of money to the Abu Sayyaf
24 Group during this period. And the sums

1 of money cited were, if you do the math,
2 like, 3,000 U.S. dollars.

3 So, you know, there's -- I
4 think there's -- I just don't know
5 what -- I'd love to see Footnote 38, but
6 it may lead to something that would have
7 to be further footnoted.

8 I just -- this is -- there
9 are ways in which this kind of claim has
10 been repeated and repeated until people
11 become confident that it's true. And I
12 really -- I really wonder what the basis
13 of this claim is, especially insofar as
14 the individuals involved, you know, their
15 supposed affiliation with al-Qaeda has
16 also been called into question. And
17 al-Qaeda's involvement -- it seems very
18 anachronistic, yeah.

19 MR. CARTER: Just following
20 along these lines, I would like to
21 show you a document that was
22 produced FED-PEC202113 to 202132.
23 It's Number 11 in the folder.

24 - - -

1 (Whereupon, Exhibit
2 Sidel-602, FED-PEC0202113-2132,
3 Department of the Treasury
4 Memorandum, was marked for
5 identification.)

6 - - -

7 MR. NASSAR: Has the
8 document come up?

9 THE WITNESS: Yes.

10 BY MR. CARTER:

11 Q. This is an evidentiary memo
12 from the Department of Treasury relating
13 to the designation of certain IIRO
14 offices.

15 Have you seen this document
16 previously, Professor?

17 A. I was shown parts of it like
18 this that were very heavily redacted.

19 Q. I'd like to turn your
20 attention to the page bearing Bates
21 Number 202118.

22 And in the section about Abu
23 Sayyaf Group, there's a statement from
24 the Treasury Department that it was

1 formed in the early 1990s and received
2 support and seed money from al-Qaeda.

3 Do you see that?

4 A. Yes.

5 Q. Again, do you question the
6 credibility of this statement by the
7 United States government?

8 A. Yes.

9 MR. CARTER: And I would
10 like to next direct your attention
11 to FED-PEC173851-173854, which is
12 16 in the folder.

13 - - -

14 (Whereupon, Exhibit
15 Sidel-603, FED-PEC0173851-3854,
16 State Department Diplomatic Cable,
17 was marked for identification.)

18 - - -

19 MR. CARTER: This is a State
20 Department diplomatic cable.

21 BY MR. CARTER:

22 Q. Have you seen this document
23 before?

24 A. No, I don't think so.

1 Q. Turning to Page 173852,
2 there is a statement that Abu Sayyaf
3 Group was founded with money sent by
4 Mohamed Jamal Khalifa through IIRO.

5 Do you see that?

6 A. Yes.

7 Q. Again, you do not credit
8 this statement in the State Department
9 cable, correct?

10 A. Can you go back? When was
11 this cable produced?

12 Q. It was produced in 2004.

13 A. So you're asking me about
14 which paragraph here?

15 Q. The particular statement
16 that the Abu Sayyaf cell in Manila was
17 founded with money sent to bin Laden --
18 sent by bin Laden to Mohamed Jamal
19 Khalifa through IIRO.

20 A. Yeah, I mean, it's 2004.
21 This is an embassy cable, right? An
22 unclassified embassy cable, and it's
23 reiterating something that has come to be
24 taken as conventional wisdom.

1 You know, I worked in the
2 U.S. embassy political section and wrote
3 cables in the mid 1980s and worked with
4 the intelligence in the State Department
5 and read these things.

6 And people write these
7 cables and they're not drawing on, you
8 know -- they're not -- they don't have
9 fact-checkers like, you know, the New
10 Yorker Magazine has fact-checkers. They
11 are relying on what has become
12 conventional wisdom in 2004 to reiterate
13 something that, as I've said already
14 repeatedly, has become conventional
15 wisdom.

16 It doesn't have evidentiary
17 basis, to my mind. There's a fundamental
18 problem here with something that's been
19 repeated and repeated until people assume
20 that it must be true because reputable
21 people have reiterated it.

22 And I --

23 Q. Do you --

24 A. It doesn't bear -- it

1 doesn't prove that it's true, to show me
2 more examples of when the same thing is
3 cited.

4 So many people will say the
5 same thing again and again, and, you
6 know, have the best intentions.

7 Q. Do you know who Jamal
8 al-Fadl is?

9 A. Excuse me?

10 Q. Do you know who Jamal
11 al-Fadl is?

12 A. No.

13 Q. Jamal al-Fadl was al-Qaeda's
14 financial chief during the early 1990s in
15 Sudan.

16 You are not familiar with
17 that fact?

18 MR. NASSAR: Objection to
19 the characterization of Jamal
20 al-Fadl's title. Do you have a --
21 are you asserting that, Sean? Are
22 you testifying to that?

23 BY MR. CARTER:

24 Q. My understanding is that

1 preparation of your report and opinions
2 in this case, did you review any of that
3 testimony?

4 A. No.

5 Q. In Footnote 47 of your
6 report, you include a reference to a 2003
7 book by Maria Ressa called Seeds of
8 Terror.

9 Do you recall including that
10 reference?

11 A. Yes, I do.

12 Q. And do you know Maria Ressa?

13 A. I've met her on one
14 occasion. And I'm sad to say I recently
15 watched a documentary video about the
16 very sad and terrible things that have
17 happened to her over the past few years.

18 So I'm well aware of her
19 work in recent years. And I've read her
20 earlier work, in part.

21 Q. And what is your opinion of
22 her, as a professional matter?

23 A. I found her early work to be
24 rather sensationalistic and overly

1 credulous with regard to Philippine
2 government sources.

3 But I have huge respect for
4 what she has tried to do as a -- what
5 would you say, a media entrepreneur in
6 the Philippines due to the creation of
7 the Rappler website and its courageous
8 efforts to provide independent reportage
9 under very difficult conditions in the
10 Philippines.

11 I'm not a big believer in
12 her earlier reportage and her account. I
13 don't see her as having the genuine local
14 expertise and/or, really, at that time,
15 the critical kind of questioning approach
16 that some other similar seasoned
17 investigative reporters in the
18 Philippines had that she did not have as
19 a matter of course. She did not have the
20 experience that her more senior
21 colleagues did at the time.

22 Q. In Footnote 47 of your
23 report, you describe the narrative in
24 Pages 18 through 44 of her book Seeds of

1 Terror as the most detailed published
2 account of the Bojinka plot.

3 Is that your opinion?

4 A. Yes. It's the lengthiest
5 available written account of that episode
6 that I have come across.

7 Q. And do you view it as
8 credible?

9 A. In what it's reporting, I
10 think it is a credible account of what
11 she knows and what is generally known
12 about that from the outside.

13 Q. I'd like to turn your
14 attention to portions of that section of
15 Maria Ressa's book beginning on Page 27.

16 MR. CARTER: It's Number 28
17 in the folder.

18 - - -

19 (Whereupon, Exhibit
20 Sidel-604, No Bates, Seeds of
21 Terror, Maria Ressa, was marked
22 for identification.)

23 - - -

24 MR. NASSAR: Professor

1 Do you view Maria Ressa's
2 account of those facts to be credible?

3 A. They raise questions. I
4 don't recall reading this bit, and I'd
5 love to see the footnotes. If you gave
6 me time, I could look at the footnotes.

7 But I think it seems kind of
8 strange to me.

9 Q. Well --

10 A. This is what I was referring
11 to earlier, in terms of my concern that
12 her -- this phase of her career and this
13 piece of work is overly sensationalist
14 and credulous with regard to available
15 sources.

16 Q. Well, I'm asking you about
17 this section in particular because it's
18 squarely within Pages 18 through 44 that
19 you cited in your report as one of the
20 authorities upon which you were relying.

21 So --

22 A. On the Bojinka -- on the
23 Bojinka plot.

24 Q. Yes.

1 Sayyaf did, in fact, create an urban
2 guerrilla squad?

3 A. No, I'm not sure that they
4 did. I don't recall guerrilla squads in
5 Zamboanga City along those lines, armed
6 guerrilla groups in Zamboanga City, no.

7 Q. Was there a bombing on
8 August 28th of that year involving a
9 grenade being thrown at Fort Pilar?

10 A. There may have -- well have
11 been. I assume that all of these things
12 are being cited by Maria Ressa after they
13 happened.

14 Q. And then down in the next
15 paragraph, it said, Later, other al-Qaeda
16 operatives would help in the training of
17 Abu Sayyaf.

18 And it refers to training in
19 1995 at camps run by Abu Sayyaf.

20 Again, do you have any
21 information that would indicate to you
22 that no such training happened?

23 A. I have no specific
24 information that contradicts this.

1 What I do know, by contrast,
2 is that the primary source of so much
3 information in the public domain
4 included -- including that disseminated
5 by journalists, comes from a senior
6 Philippine national police official,
7 Rodolfo Mendoza, often cited as
8 authoritative in these matters, who had
9 also been implicated in, shall we say,
10 sponsoring and protecting and benefiting
11 from the kidnapping activity of a group,
12 former New People's Army
13 Marxists/Leninists/Maoists activists in
14 metro Manila.

15 And it strikes me as, you
16 know, worth noting that over the years,
17 virtually all observers, commentators on
18 the Abu Sayyaf, including former
19 hostages, have noted considerable
20 evidence of collusion and protection by
21 Philippine government officials, not only
22 local mayors and police chiefs and so
23 forth, but also evidence of involvement
24 and of pecuniary gain on the part of

1 Philippine military and intelligence
2 officials.

3 So what, overall, my -- you
4 know, my suspicion stems from the picture
5 that we're presenting here and elsewhere
6 is something that emphasizes and
7 exaggerates the extent of external
8 support and linkage by, you know, in this
9 context, seemingly exotic and extraneous
10 external agents from the Middle East, at
11 the expense of an understanding that the
12 Abu Sayyaf Group was an operation run by
13 elements within the Philippine government
14 as part of a racket, as part of the
15 institutional corruption of the
16 Philippine national police and of local
17 officials in a part of the country which
18 is, you know, notorious for kidnapping,
19 gangsterism, criminal activity and
20 general insecurity of property and
21 economic activity.

22 And so I just have a general
23 sense of wariness about taking it at face
24 value, as Maria Ressa seems to be doing

1 here, this kind of -- this information,
2 which seems likely to have been spoon-fed
3 to her by the likes of Rodolfo Mendoza
4 and others working for him.

5 That is -- that is my
6 general level of suspicion about this.
7 And if you read the literature on the Abu
8 Sayyaf Group by longtime observers, as
9 well as by people who were held hostage
10 by the Abu Sayyaf Group, and even the
11 kinds of commentators who your experts
12 cite, most notably Zachary Abuza, that
13 they acknowledge this element and these
14 sorts of questions explicitly time and
15 again.

16 So I, you know -- if I had
17 time to look at the footnotes here and to
18 read the sources cited in the footnotes
19 and to do further investigations, you
20 know, I'm -- maybe new questions would
21 open up for me.

22 But I just can't help but
23 express my doubts on the basis of what I
24 know through experience, personal

1 knew a great deal about. They were not
2 Southeast Asians. It was not connected
3 to the local organizations and groups and
4 individuals otherwise under, you know,
5 consideration here.

6 So I'm afraid that my
7 knowledge and, you know -- no
8 investigation of this guy's background.
9 I did not do my homework on who this guy
10 was.

11 MR. CARTER: If we could
12 mark as the next exhibit the
13 excerpts from the Michael Scheuer
14 book that are at Folder 29.

15 - - -

16 (Whereupon, Exhibit
17 Sidel-606, No Bates, Michael
18 Scheuer, Osama bin Laden Excerpts,
19 was marked for identification.)

20 - - -

21 BY MR. CARTER:

22 Q. Professor Sidel, do you know
23 who Michael Scheuer is?

24 A. Wasn't Michael Scheuer a CIA

1 participatory role in the Bojinka
2 plot.

3 MR. NASSAR: Nothing you
4 just cited, including what is up
5 on the screen right now, states
6 what you're asking.

7 So my question is, are you
8 asking based on what's on the
9 screen? Or are you asking, taking
10 that down, do you believe that
11 al-Qaeda had a role in the Bojinka
12 plot? Because this statement
13 right here does not state that.

14 MR. CARTER: Okay. Waleed,
15 I think if you want to state an
16 objection, you can.

17 But the plans for bombing
18 U.S. airliners flying Pacific
19 routes is a reference to Bojinka,
20 and there was a statement I showed
21 him in the 9/11 Commission Report
22 making specific reference to Wali
23 Khan Amin Shah's participation in
24 the plot.

1 So I'm asking, based on the
2 stuff -- the information I've
3 shown him today, does he have a
4 view as to whether or not al-Qaeda
5 had a hand in the Bojinka plot or
6 not.

7 If the answer is no, that's
8 fine.

9 THE WITNESS: I really don't
10 know. I mean, there's -- my
11 understanding was that Khalid
12 Sheikh Mohamed was not a member of
13 al-Qaeda, or Ramzi Yousef for that
14 matter. I'm not a specialist on
15 al-Qaeda and on the history,
16 clearly. I only dimly remember
17 Wali Khan Amin Shah and had
18 mistaken him for a Malaysian --
19 someone with a similar name based
20 in Malaysia working for Jemaah
21 Islamiyah.

22 So I don't know what to say,
23 really.

24 It seems strange to me,

1 I think the additional
2 question was whether or not the decision
3 to locate there was in no way influenced
4 by the potential resources that might be
5 available as they developed the plots?

6 A. How so?

7 Q. Well, let me clarify.

8 You answered my question by
9 saying that it's your understanding that
10 the activities they undertook there was
11 independent of any relation to other
12 groups.

13 I'm asking a slightly
14 different question.

15 Do you know whether or not
16 their decision to go there in the first
17 place, before they began undertaking
18 their operations, was in any way
19 influenced by the presence of Abu Sayyaf
20 Group, Mohamed Jamal Khalifa or other
21 potential resources they might want to
22 rely upon in the Philippines?

23 A. I'm -- I struggle to
24 understand how I would have access to

1 their thinking on that front, given how
2 little evidence there seems to be of
3 reliance or interaction between the small
4 group of conspirators in Manila and
5 anyone else.

6 And, here, my view is that
7 metro Manila, and certain areas of
8 Manila, such as Makati, where they were
9 living, these are parts of the national
10 capital region where you have large
11 numbers of ex-patriots living, you know,
12 you have Nigerians involved in the drug
13 trade. Today you have a few thousand
14 online gaming operators, maybe 500,000 of
15 them, living in the capital of the
16 Philippines because it's -- they don't
17 have to pay taxes or suffer the
18 regulatory whims of the government.

19 So it seems like this -- the
20 ex-pat life for people who are engaged in
21 a variety of activities, under the radar,
22 in Manila, and that would appear to be a
23 sufficient explanation and attraction to
24 this in a way that is unconnected to some

1 Q. And the plots to assassinate
2 President Clinton and the Pope were to be
3 carried out locally in the Philippines,
4 correct?

5 A. I believe so, yes.

6 Q. And at least according to
7 Maria Ressa's account, Abu Sayyaf members
8 were slated to participate in the
9 assassination of the Pope, correct?

10 A. That, I don't recall. I
11 don't recall the details of the -- I
12 don't recall any revolutions of the
13 details of that plot.

14 My recollection is that
15 these plots -- these plots were
16 uncovered, in some form, on the computers
17 and in the interrogations of these
18 individuals. And the details of them, I
19 don't recall seeing those details in the
20 available sources.

21 Q. Abu Sayyaf did have an
22 operational presence in the Philippines
23 at the time the plots were being
24 developed, correct?

1 counter -- you know, work for the Secret
2 Service, perhaps.

3 So it doesn't sound like
4 expertise that I -- I can claim.

5 Q. Did you consider, in
6 developing your opinions, the possibility
7 that Ramzi Yousef chose the Philippines
8 because he had a relationship with
9 Abdurajak Janjalani and could draw on Abu
10 Sayyaf Group resources to support the
11 attacks he was planning to develop?

12 A. I'm sorry, but that seems
13 highly implausible.

14 The Abu Sayyaf Group,
15 so-called, it is limited in its
16 experience, its access, its -- what's the
17 word -- it's protection -- it's capacity
18 for operation to a remote part of the
19 Philippines.

20 If members of this Abu
21 Sayyaf Group were to arrive in Manila,
22 they wouldn't speak the right language,
23 they wouldn't know how to get around,
24 they wouldn't -- they would stand out

1 like a sore thumb and would be the least
2 qualified, least capable people you could
3 imagine in trying to undertake something
4 in the urban context of metro Manila.

5 I have a hard time thinking
6 that they would be useful co-conspirators
7 in that context. They would be
8 potentially helpful for undertaking a
9 hijacking of a fishing boat or, you know,
10 bombing a church, the things they had
11 experience doing.

12 But this kind of highly
13 sophisticated international ambitious
14 plot, it just seems like a non sequitur.

15 Q. And do you agree that
16 Mohamed Jamal Khalifa was in the
17 Philippines during this time period as
18 well?

19 MR. NASSAR: Objection.

20 What time period?

21 MR. CARTER: 1993 to 1995.

22 THE WITNESS: I've been
23 shown a letter that showed that he
24 had resigned from his position as

1 account that seems to have very broad
2 credibility, in terms of the timing.

3 Q. You're saying it doesn't fit
4 within the big picture of your
5 understanding of al-Qaeda's development
6 and goals, correct?

7 A. Yeah.

8 Q. I believe you told me very
9 early in the deposition, though, that you
10 didn't view yourself to be an expert on
11 al-Qaeda; isn't that correct?

12 A. Yeah. But I also qualified
13 that in two ways. One, certainly, in
14 terms of the question of al-Qaeda in
15 Southeast Asia, I've been in a position
16 before and during this case to look at
17 evidence of al-Qaeda's presence and
18 activities and allegations thereof in
19 Southeast Asia.

20 And, secondly, in terms of a
21 familiarity with kind of authoritative
22 accounts of al-Qaeda and its development
23 over the course of the 1990s and beyond,
24 I'm familiar with that through my

1 readings, my teachings, my supervision of
2 students and, frankly, the work of my
3 colleagues, one of whom is the author of
4 what I regard to be an authoritative
5 account of the rise of al-Qaeda.

6 So --

7 Q. And who is that colleague?

8 A. Fawaz Gerges, The Far Enemy.

9 And I think -- you know, I
10 think I'm a fairly broadly educated
11 person when it comes to the available
12 literature, academic and otherwise, on
13 al-Qaeda.

14 Q. But you would agree that
15 when I first asked you about Wali Khan
16 Amin Shah, you were unsure of who he was?

17 A. Sure. I don't think the
18 issue is whether my expertise is akin to
19 that of a terrorism expert who knows and
20 remembers who is who and did what when.

21 That's the kind of expertise
22 that Bruce Hoffman doesn't have either,
23 but he's a terrorism expert. That's the
24 kind of expert that someone who, you

1 And, you know, I don't know
2 in what way they learned from this,
3 directly, in ways that then moved on, you
4 know, and specifically inspired the modus
5 operandi of 9/11, which seems quite
6 distinct in a variety of terrible, tragic
7 ways.

8 Q. And turning to the six-year
9 time gap you refer to between the
10 disruption of the Bojinka plot and 9/11,
11 when did Khalid Sheikh Mohamed first
12 propose the planes operation that would
13 become 9/11 to Osama bin Laden?

14 A. If memory serves, it was
15 1998 or '99.

16 Q. Let's turn to the 9/11
17 Commission, at Pages 148 to 149.

18 According to this, it says
19 that, Just as KSM, Khalid Sheikh Mohamed,
20 was reestablishing himself in Afghanistan
21 in mid 1996, bin Laden and his colleagues
22 were also completing their migration from
23 Sudan and that, through Mohamed Atef,
24 Khalid Sheikh Mohamed arranged a meeting

1 with bin Laden.

2 Do you see that?

3 A. Yes.

4 Q. And the 9/11 Commission
5 says, At that meeting KSM presented the
6 al-Qaeda leader with a menu of ideas for
7 terrorist operations?

8 A. In '96?

9 Q. Yes.

10 And now turning to the first
11 full paragraph of the next page, it says
12 that, KSM briefed bin Laden and Atef on
13 the first World Trade Center bombing, the
14 Manila air plot, the cargo carriers plane
15 and other activities pursued by KSM and
16 his colleagues in the Philippines. KSM
17 also presented a proposal for an
18 operation that would involve training
19 pilots who would crash planes into
20 buildings in the United States. This
21 proposal eventually would become the 9/11
22 operation.

23 Do you see that?

24 A. Yes.

1 Q. So according to this account
2 from the 9/11 Commission, Khalid Sheikh
3 Mohamed presented the plan for the 9/11
4 operation to bin Laden in 1996, correct?

5 A. Yes, which then raises
6 questions about the idea that it had
7 somehow been an al-Qaeda, you know,
8 conspiracy a few years earlier.

9 MR. NASSAR: And I'm going
10 to object to that, Sean. Rule of
11 completion. I think you need to
12 show him the later sections on the
13 '98, '99 meetings.

14 MR. CARTER: Okay. Well, we
15 can get to those in due course.

16 BY MR. CARTER:

17 Q. I'm focused, Professor, on
18 your particular statement that there's an
19 unexplained six-year gap between the two
20 operations.

21 And as we see here, the gap
22 between the disruption of the Manila
23 Bojinka plot and the presentation of 9/11
24 to bin Laden was a much shorter period.

1 crucial figure in communications between
2 Jemaah Islamiyah, as a network, and the
3 organization and individuals associated
4 with al-Qaeda.

5 Q. And turning to the 9/11
6 Commission Report again, on Page 150.

7 At the bottom, there's a
8 section under the heading, Hambali?

9 A. Right.

10 Q. And it describes, al-Qaeda's
11 success in fostering terrorism in
12 Southeast Asia stems largely from its
13 close relationship with Jemaah Islamiyah.

14 Do you disagree with that
15 characterization?

16 A. Well, it's quite a curious
17 statement if you look at it, you know, in
18 sort of causal analysis. Its success in
19 fostering terrorism in Southeast Asia
20 stems largely from its close relationship
21 with Jemaah Islamiyah.

22 So if you take my view -- if
23 we unpack the sentence, you could say,
24 well, Jemaah Islamiyah is a network on

1 its own that emerges and evolves and
2 becomes activated, by the turn of the
3 21st century, on its own steam.

4 So to ascribe that so-called
5 success to al-Qaeda seems quite odd to me
6 and implausible.

7 Q. Okay.

8 A. So if I -- what is the
9 actual -- if you were to turn this into
10 one of those diagrams, where would the
11 arrows go of who is causing what to whom?

12 Q. Well, let's eliminate the
13 arrows and focus on whether or not there
14 was a collaborative relationship in place
15 between al-Qaeda and Jemaah Islamiyah
16 before 9/11.

17 Do you agree that there was?

18 A. I agree that there is
19 evidence of contacts between
20 individuals -- two individuals whose
21 names stand out are Hambali and Omar
22 al-Faruq, both of whom seem to have
23 disappeared into Guantanamo Bay, neither
24 with sufficient evidence to convict them,

1 or people with the willingness, on the
2 part of the U.S. government, to release
3 them after, what, 20 years, nearly, of
4 imprisonment.

5 So it's on the basis of
6 unknown information about these two
7 individuals, and a great deal of
8 information suggesting that they did not
9 represent, at least on the Jemaah
10 Islamiyah side, the -- you know, some
11 kind of coherent, shared organizational
12 decision, commitment, alliance, anything
13 like that.

14 And as for Omar al-Faruq,
15 the limited information we have about him
16 suggests that he couldn't speak
17 Indonesia, and was -- and seems like a
18 somewhat ineffective operative rather
19 than the mastermind that Time Magazine
20 describes him as while contradicting
21 itself.

22 So I really am not -- I'm
23 not sure what we know, beyond that there
24 were contacts and communications and --

1 Singapore and so forth.

2 Q. Well, let's turn to some
3 specifics and start with Page 151 of the
4 9/11 Commission Report.

5 And the first sentence on
6 the first full paragraph there of the
7 9/11 Commission indicates that, By 1998,
8 Sungkar and JI spiritual leader Abu Bakar
9 Bashir had accepted bin Laden's offer to
10 ally JI with al-Qaeda in waging war
11 against Christians and Jews.

12 Do you see that statement
13 from the 9/11 Commission?

14 A. I do.

15 Q. And who is Sungkar that
16 they're referring to?

17 A. Abdullah Sungkar was the
18 cofounder, with Abu Bakar Bashir, of this
19 network. They had been together as
20 Islamist activists and founders of an
21 Islamic school in Java. They had gone
22 into exile together to flee prosecution
23 and imprisonment.

24 And they had, together, been

1 the -- the kind of leaders of this
2 network from their position of exile in
3 Malaysia over the years from the mid
4 1980s until 1999 when they returned to
5 Indonesia and Sungkar died of heart
6 failure, over the course of 1999, leaving
7 Abu Bakar Bashir as the -- at least the
8 spiritual leader of this network, if not
9 more.

10 Q. And the 9/11 Commission
11 says, By 1998 those two leaders of Jemaah
12 Islamiyah had accepted bin Laden's offer
13 to ally Jemaah Islamiyah with al-Qaeda in
14 waging war against Christians and Jews.

15 Do you agree with that
16 statement?

17 A. I don't know what it could
18 possibly mean in the Indonesian context.
19 What does that mean to accept his offer
20 in waging war against Christians and
21 Jews?

22 There's nothing that Jemaah
23 Islamiyah is doing in 1998. In 1999,
24 2000, into 2001, Jemaah Islamiyah is, for

1 its own reasons, engaged in open -- or --
2 let me rephrase that.

3 Abu Bakar Bashir is engaged
4 in open, above-ground propagandizing and
5 agitation against Christian atrocities
6 against Muslims in areas of
7 interreligious violence. He's part of an
8 above-ground group that includes
9 establishment figures, retired military
10 intelligence officials and others, called
11 the Majelis Mujahideen Indonesia. And he
12 is involved in supporting an armed
13 paramilitary group that goes to assist
14 Muslim communities in defending
15 themselves against Christian armed groups
16 and in attacking Christian communities
17 and villages in these areas of religious
18 violence.

19 And the Jemaah Islamiyah
20 network, to get back to the terrorism
21 side of the story, is involved in a
22 series of bombings targeting Christian
23 churches in an event that's clearly timed
24 to mark retribution for large-scale

1 Christian atrocities against Muslims in
2 these areas of interreligious violence
3 the preceding year.

4 So there's a local -- you
5 know, he's consumed with local
6 developments that involve Muslims and
7 Christians. It doesn't -- Jews are not
8 in the picture here. And the Christians
9 who are in the frame are Indonesian
10 Christians who are killing Muslims.

11 Q. Do you know whether or not
12 there was an offer from bin Laden to
13 create an alliance with Jemaah Islamiyah
14 in this time period?

15 A. I have not seen any written
16 communications reproduced between Osama
17 bin Laden and Abu Bakar Bashir or Sungkar
18 when he was alive.

19 All of the reports that I've
20 read and that I can recollect now involve
21 figures like Hambali, Omar al-Faruq as
22 the true visionaries, in terms of
23 meetings and communications and
24 discussions of possible plots and things

1 like that.

2 But in terms of the formal
3 alliances and so forth, there's not much
4 evidence of it.

5 Q. Well, in the next sentence,
6 the 9/11 Commission indicates that,
7 Hambali met with Khalid Sheikh Mohamed to
8 arrange for JI members to receive
9 training in Afghanistan at al-Qaeda's
10 camps.

11 Do you know whether or not
12 that, in fact, happened?

13 A. I believe that it did.

14 Q. And it then says that, In
15 addition to the relationship with KSM,
16 Hambali soon began dealing with Atef,
17 referring to al-Qaeda military chief
18 Mohamed Atef, as well.

19 Do you know whether that
20 happened?

21 A. I don't recall.

22 Q. The next sentence indicates
23 that, al-Qaeda began funding Jemaah
24 Islamiyah's increasingly ambitious

1 terrorist plans, which Atef and KSM
2 sought to expand.

3 Do you know whether or not
4 that happened during this time period?

5 A. That doesn't sound -- I
6 certainly don't know whether that
7 happened, because it doesn't seem to --
8 there doesn't seem to be evidence for it.

9 Q. So you disagree with the
10 9/11 Commission's finding on that point,
11 correct?

12 A. Yeah, I -- I don't know
13 whether funds were disbursed that, you
14 know, went to do what? If there were
15 funds transferred, that's possible.

16 Q. Well, the next sentence
17 describes some of the activities that
18 were being pursued pursuant to the
19 arrangement.

20 And it says, Jemaah
21 Islamiyah would perform the necessary
22 casing activities and locate bomb-making
23 materials and other supplies. Al-Qaeda
24 would underwrite operations, provide

1 bomb-making expertise and deliver suicide
2 operatives.

3 Do you agree what they're
4 describing right there, if true, involves
5 collaboration in terrorist activities?

6 MR. NASSAR: I'm going to
7 object. I think it's -- well, I'm
8 going to direct Professor Sidel to
9 look at the actual exhibit in the
10 folder.

11 I don't think asking this
12 series of questions without him
13 being able to reference the
14 specific footnotes is fair.

15 MR. CARTER: Waleed, he's
16 come and given testimony about
17 whether or not there was an
18 al-Qaeda relationship with Jemaah
19 Islamiyah in the period prior to
20 9/11. I think it's completely
21 fair to ask him about the 9/11
22 Commission Report findings on that
23 specific point.

24 MR. NASSAR: Right. But his

1 answers have repeatedly been that
2 he has not seen evidence of these
3 things. It's -- pretty much every
4 answer has been a reference to the
5 evidence. And --

6 MR. CARTER: Don't testify
7 for him, Waleed.

8 MR. NASSAR: I'm not
9 testifying for him. You can look
10 back at the record and see it for
11 yourself.

12 But he needs to be able to
13 look at the footnotes. That's
14 what his --

15 THE WITNESS: I would
16 appreciate seeing the footnotes.

17 MR. CARTER: Well, I'm
18 asking him whether he agrees or
19 disagrees based on his independent
20 expertise with these findings of
21 the 9/11 Commission. That's a
22 fair question.

23 BY MR. CARTER:

24 Q. Do you agree or disagree

1 with these findings?

2 MR. NASSAR: Professor
3 Sidel, if you feel like you need
4 to refer to the document and look
5 at the footnotes, feel free to do
6 so.

7 THE WITNESS: Yeah, I'd like
8 to see the footnote, please. I'll
9 look it up in my computer.

10 MR. NASSAR: Which document
11 was this?

12 THE WITNESS: Is this the
13 9/11 Commission Report?

14 MR. HONE: 607.

15 THE WITNESS: What page in
16 the report, please?

17 MR. NASSAR: Can we unzoom?
18 151, but the endnotes would
19 come later.

20 MR. HAEFELE: Note my
21 objection to the speaking
22 objection.

23 MR. NASSAR: For the court
24 reporter, that was Robert Haefele.

1 THE WITNESS: What chapter
2 is this from?

3 MR. CARTER: It's Chapter 5
4 of the 9/11 Commission Report.

5 THE WITNESS: Okay. I'm
6 looking at the footnotes now.

7 BY MR. CARTER:

8 Q. Discussing specifically
9 al-Qaeda's ties to Jemaah Islamiyah.

10 A. Right. Here we go.

11 So if you look at the
12 footnotes, you'll see that the footnote
13 for the first sentence, Footnote 21, is
14 to Rohan Gunaratna, who is a widely
15 discredited, sometimes, you know, derided
16 pseudoexpert on al-Qaeda with, you know,
17 very limited credibility or base for
18 information.

19 As for Footnote 22, it's an
20 interrogation of Hambali to which I
21 wouldn't have access.

22 So I -- this is the kind of
23 thing that, you know, is -- it presents a
24 picture that seems very clear and

1 coherent. And if you read expert
2 reports, including those of the
3 well-respected, widely respected expert
4 Sidney Jones, she presents a picture of
5 Hambali and these other individuals as,
6 you know, operating in a much more
7 fragmented and individual --
8 individualistic, idiosyncratic fashion,
9 as opposed to some kind of organizational
10 alliance.

11 And in terms of examples
12 of and claims of linkage, all of the
13 activities, up until and beyond September
14 11th, 2001, are very local in their logic
15 and in the people who are carrying them
16 out.

17 So I find it hard to kind of
18 accept this picture. It seems such --
19 like such a neat, coherent picture that I
20 struggle to accept it at face value.

21 Q. Professor, I just asked,
22 while I was on mute, I'm correct that you
23 do not credit these findings of the 9/11
24 Commission?

1 MR. NASSAR: Objection.

2 Asked and answered.

3 THE WITNESS: Not on their
4 own.

5 BY MR. CARTER:

6 Q. Moving down a bit, still on
7 151, the next paragraph, there's an
8 indication that, Atef turned to Hambali
9 when al-Qaeda needed a scientist to take
10 over its biological weapons program.
11 Hambali obliged by introducing a
12 U.S.-educated Jemaah Islamiyah member,
13 Yazid Sufaat, to Ayman al Zawahiri in
14 Kandahar.

15 Do you know whether that
16 happened?

17 A. No.

18 Q. And the next sentence says
19 that, In 2001, Sufaat would spend several
20 months attempting to cultivate anthrax
21 for al-Qaeda in a laboratory he helped
22 set up near the Kandahar airport.

23 Do you know whether that
24 happened?

1 A. No.

2 If you look at the
3 footnotes, you'll see that that's all
4 part of this Hambali interrogation as a
5 source that I otherwise would have no
6 access to it.

7 Q. And, in general, in
8 presenting your opinions regarding any
9 possible relationship between al-Qaeda
10 and Jemaah Islamiyah, you did not
11 consider the content of the 9/11
12 Commission Report, correct?

13 MR. NASSAR: Objection.
14 Mischaracterizes earlier
15 testimony.

16 THE WITNESS: You can see
17 what documents I consulted in the
18 preparation of my report. And
19 those documents themselves cite a
20 variety of sources, some of which
21 include the 9/11 report.

22 But this is a derivative
23 document, right, on these sorts of
24 matters. The authors of the 9/11

1 report do not claim to be experts
2 on Southeast Asia. So they have
3 been incorporated into the
4 writings of people who understand
5 the specificity and are in a
6 position to evaluate the
7 plausibility of these sorts of
8 claims.

9 You can't expect the 9/11
10 report to be an authoritative
11 document on every far-flung part
12 of the world, in terms of the
13 individuals and context involved.

14 BY MR. CARTER:

15 Q. You would agree, though,
16 that the 9/11 Commission did concern
17 itself significantly with the activities
18 and contacts of principals like Khalid
19 Sheikh Mohamed, correct?

20 MR. NASSAR: Objection.
21 Scope.

22 THE WITNESS: You showed me,
23 at least, pages where he -- there
24 was a discussion of him as a key

1 figure, and even that famous
2 photograph of him.

3 BY MR. CARTER:

4 Q. And further down on Page
5 151, there's a statement that Hambali and
6 JI assisted al-Qaeda operatives passing
7 through Kuala Lumpur.

8 That's the last full
9 paragraph on the page, the first
10 sentence. And the report cites an
11 important occasion, December 1999 to
12 January of 2000, when Hambali
13 accommodated KSM's requests to help
14 several veterans whom KSM had just
15 finished training in Karachi.

16 Do you see that?

17 A. Yes. I can see all that.

18 Q. Do you know whether Jemaah
19 Islamiyah hosted al-Qaeda operatives
20 during this time period?

21 A. I -- my understanding of
22 this, if you look, I think there's a
23 deposition by someone named Abu Bakar
24 Bafana, which -- in the Zacarias

1 Moussaoui court case, where these sorts
2 of things come up, and I think in this
3 context there's evidence of Hambali's
4 involvement and contacts, and he's cited
5 in this testimony as having met these
6 individuals.

7 I remember the name Mihdhar.
8 So as an individual, this is -- it sounds
9 like he, as an individual, and maybe
10 other people, were involved in these
11 sorts of contacts and facilitations.
12 That's what the testimony suggests.

13 Q. It goes on to say that the
14 group that was hosted included Tawfiq bin
15 Attash, also known as Khallad, who would
16 later help bomb the USS Cole, and future
17 9/11 hijackers, Nawaf al-Hazmi and Khalid
18 al-Mihdhar. Hambali arranged lodging for
19 them and helped them purchase airline
20 tickets for their onward travel.

21 Do you know whether or not
22 Hambali arranged to host Khallad and
23 future 9/11 hijackers Nawaf al Hazmi and
24 Khalid al Mihdhar?

1 A. That level of detail, I --
2 if I've come across it, it's certainly no
3 longer lodged in my memory.

4 Q. Turning to Page 159, there
5 is a statement that, All four
6 operatives -- referring to the al-Qaeda
7 operatives -- stayed at the apartment of
8 Yazid Sufaat, a Malaysia JI member who
9 made his home available at Hambali's
10 request.

11 Do you know whether or not
12 that, in fact, happened?

13 A. I don't have any
14 recollection of reading documents about
15 that.

16 Q. And on Page 531, Endnote
17 161, there's a discussion here about a
18 potential second wave of attacks in which
19 Zacarias Moussaoui was slated to
20 participate, and it indicates that one of
21 the other candidates to participate was a
22 Jemaah Islamiyah member named Zaini
23 Zakaria aka Mussa.

24 Have you seen that

1 information previously?

2 A. No.

3 Q. Am I correct that you would
4 regard the kinds of activities that we've
5 just reviewed from the 9/11 Commission
6 Report involving training of Jemaah
7 Islamiyah members at al-Qaeda camps, the
8 hosting of Jemaah Islamiyah of al-Qaeda
9 operatives transiting through Malaysia
10 and collaboration with regard to bombing
11 operations as insufficient to establish
12 an operational linkage between Jemaah
13 Islamiyah and al-Qaeda during this
14 period?

15 A. An operational linkage?
16 Insufficient -- certainly insufficient as
17 evidence to support any claim of some
18 kind of organizational alliance,
19 coordination, much less direction of
20 activity and operations.

21 Q. And you don't regard the
22 involvement of Jemaah Islamiyah in
23 hosting al-Qaeda operatives or directly
24 involved in the September 11th attacks as

1 a significant operational connection?

2 MR. NASSAR: Objection.

3 Form.

4 THE WITNESS: I don't know
5 if it's a significant operational
6 connection. There's clearly --
7 there's clearly evidence of
8 contacts and of assistance
9 provided, on a small scale, of
10 assisting with accommodation and
11 travel arrangements and so forth.

12 That's -- that seems rather
13 limited and limited in terms of
14 the evidence, the individuals
15 cited.

16 As opposed -- if there were
17 a more sustained, systemic
18 linkage, you'd think that these
19 kinds of, you know, little details
20 would be thick on the ground and
21 that there would be documents
22 and -- that you would see it in
23 the subsequently published
24 internal materials of Jemaah

1 Islamiyah or in the documents that
2 were discovered from al-Qaeda
3 leadership hands as well.

4 It doesn't seem that that
5 kind of thing is in evidence.

6 BY MR. CARTER:

7 Q. Just briefly, to turn to the
8 IIRO and the designation of the IIRO
9 offices in the Philippines and Indonesia,
10 I take it that you're aware that the
11 United States government designated the
12 IIRO offices in the Philippines and
13 Indonesia, and indicated it was doing so
14 based on evidence that they had provided
15 support to Abu Sayyaf and Jemaah
16 Islamiyah, correct?

17 A. Yes, I've seen those -- the
18 press releases from those designations.

19 Q. Do you dispute the findings
20 of the United States government
21 underlying those decisions?

22 MR. NASSAR: Objection.

23 Mischaracterizes the document.

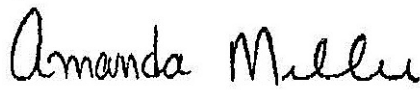
24 THE WITNESS: Should we call

CERTIFICATE

I, Amanda Maslynsky-Miller, Certified
Realtime Reporter, do hereby certify that
prior to the commencement of the examination,
JOHN SIDEL, was remotely sworn by me to
testify to the truth, the whole truth and
nothing but the truth.

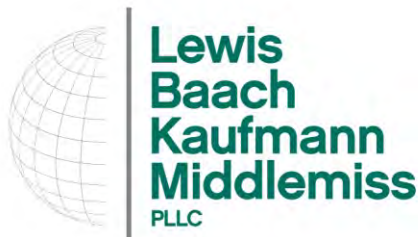
I DO FURTHER CERTIFY that the foregoing is a
verbatim transcript of the testimony as taken
stenographically by me at the time, place and
on the date hereinbefore set forth, to the
best of my ability.

I DO FURTHER CERTIFY that I am neither a
relative nor employee nor attorney nor
counsel of any of the parties to this action,
and that I am neither a relative nor employee
of such attorney or counsel, and that I am
not financially interested in the action.



Amanda Miller
Certified Realtime Reporter
Dated: May 12, 2021

(The foregoing certification of this
transcript does not apply to any reproduction
of the same by any means, unless under the
direct control and/or supervision of the
certifying reporter.)



Aisha E. R. Bembry
202 659 6752
aisha.bembry@lbkmlaw.com

June 28, 2021

VIA ELECTRONIC MAIL

Sean Carter, Esq.
Cozen O'Connor
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, PA 19103

Re: *In re Terrorist Attacks, MDL No. 03-1570 (GBD)(SN)*

Dear Sean:

As you know, this firm is counsel for Defendants the Muslim World League (MWL), the International Islamic Relief Organization (IIRO), and the Charity Official Defendants in the above-referenced matter. Pursuant to the January 31, 2018 Deposition Protocol Order, enclosed is an errata sheet for the deposition of John Sidel and John Barron that corrects transcription errors.

Sincerely,

/s/ Aisha E. Bembry

Aisha E. Bembry

cc: Plaintiffs' Executive Committees (via email)
Alan R. Kabat, Bernabei & Kabat, PLLC (via email)
GOLKOW Litigation Services (via email)

Enclosures

Dep. Date: April 27, 2021

In re Terrorist Attacks on September 11, 2001, MDL No. 03-1570 (GBD)

ERRATA SHEET FOR THE TRANSCRIPT OF

JOHN BARRON

Page/Line	Change Transcript from:	Change Transcript to:	Other Issues	Reason for Change/Other Issue
90/6	"division of the SEC or PCOP."	"division of the SEC or PCAOB."		Transcription Error
100/6	"procedures in engagements, internal"	"procedures engagements, internal"		Transcription Error
189/1-3	"Well, as I said earlier, I was only engaged to perform an audit of their financial statements."	"Well, as I said earlier, I was not engaged to perform an audit of their financial statements."		Transcription Error
215/15	"no indication they gain an"	"no indication they gained an"		Transcription Error
224/4	"spurious part of the fraud."	"serious part of the fraud."		Transcription Error

Dep. Date: April 27, 2021

In re Terrorist Attacks on September 11, 2001, MDL No. 03-1570 (GBD)

ERRATA SHEET FOR THE TRANSCRIPT OF JOHN SIDEL

Page/Line	Change Transcript from:	Change Transcript to:	Other Issue:	Reason for Change/Other Issue
-----------	-------------------------	-----------------------	--------------	-------------------------------

Dep. Date: April 27, 2021

In re Terrorist Attacks on September 11, 2001, MDL No. 03-1570 (GBD)

ERRATA SHEET FOR THE TRANSCRIPT OF JOHN SIDEL

27/9	"Islamia Indonesia"	"Dewan Dakwah Islamiyah Indonesia with"	N/A	Missing words
28/2-3	"organization of the Islamic conference"	"Organization of the Islamic Conference"	N/A	Capitalize to clarify the OIC's official organizational status
41/11	"extorsion"	"extortion"	N/A	Correct spelling
63/9	"recognizance"	"reconnaissance"	N/A	Correct word and meaning
87/4	"intelligence"	"Bureau of Intelligence and Research"	N/A	Full and accurate description
91/6	"due to"	"through"	N/A	More appropriate preposition
99/13	"Marxists/Leninists/Maoists"	"Marxist-Leninist/Maoist"	N/A	Grammar: adjective not plural noun
100/16	"Philippine national police"	"Philippine National Police"	N/A	Capitalize to clarify official organizational name
101/11	"who"	"whom"	N/A	Grammar
128/20	"is"	"were"	N/A	Verb tense and noun-verb agreement

Dep. Date: April 27, 2021

In re Terrorist Attacks on September 11, 2001, MDL No. 03-1570 (GBD)

ERRATA SHEET FOR THE TRANSCRIPT OF JOHN SIDEL

128/21	"They're"	"They were"	N/A	Verb tense
130/13-14	"few thousand online gaming operators"	"few thousand Chinese online gaming operators"	N/A	Clarification: foreign identity relevant
132/12	"revolutions"	"revelations"	N/A	Correct word
134/17	"it's protection – it's capacity"	"its protection – its capacity"	N/A	Grammar
163/17	"Indonesia"	"Bahasa Indonesia" (the Indonesian language)	N/A	Clarification
167/22	"visionaries"	"intermediaries"	N/A	Correct word
182/16	"opposed"	"opposed to"	N/A	Grammar/clarity

This Transcript Contains Confidential Material

ACKNOWLEDGMENT OF DEPONENT

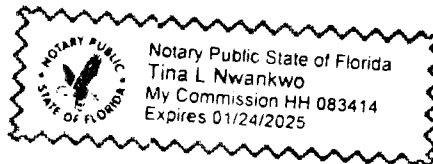
I, John Barron, do
 hereby certify that I have read the
 foregoing pages, 1 - 395, and that the
 same is a correct transcription of the
 answers given by me to the questions
 therein propounded, except for the
 corrections or changes in form or
 substance, if any, noted in the attached
 Errata Sheet.

John Barron 6/18/21
 JOHN BARRON DATE

Subscribed and sworn
 to before me this
18th day of June, 2021.

My commission expires: 01-24-2025

Tina L Nwankwo - Tina L Nwankwo
 Notary Public



ACKNOWLEDGMENT OF DEPONENT

I, John Thayer Sidel, do
hereby certify that I have read the
foregoing pages, 1 - 189, and that the
same is a correct transcription of the
answers given by me to the questions
therein propounded, except for the
corrections or changes in form or
substance, if any, noted in the attached
Errata Sheet.

John Thayer Sidel 8 June 2021
JOHN SIDEL DATE

Subscribed and sworn
to before me this
_____ day of _____, 20____.

My commission expires: _____

Notary Public